

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

*BISHOP, for himself and on behalf of all other
persons similarly situated,*

Plaintiff,

-against-

USHA FOOD, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC#:

DATE FILED: 8/10/2020

20-cv-02059 (ALC)

ORDER TO SHOW CAUSE

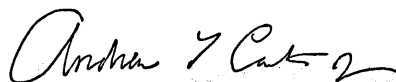
ANDREW L. CARTER, JR., United States District Judge:

On March 8, 2020, Plaintiff filed a Complaint commencing this action. ECF No. 1. Defendant was served on March 10, 2020. ECF No. 5. Defendant's answer was due March 31, 2020. ECF No. 5. To date, no answer has been filed.

Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE why this action should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute for failure to move for default judgment. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . ."). Such showing should be made by filing a written response to this Order by August 24, 2020 and sending a courtesy copy of such response to Chambers. **Any failure by Plaintiff to make this showing will result in a dismissal of this case without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).**

SO ORDERED.

Dated: August 10, 2020
New York, New York



ANDREW L. CARTER, JR.
United States District Judge